

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security

1 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

In Re: **John Graham
Patricia Graham**

Case No.: **18-11503**
Judge: **Vincent F. Papalia**

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS

☒ Original

☐ Modified/Notice Required

Date: 2/19/18

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney **VEF**

Initial Debtor: **J G**

Initial Co-Debtor **P G**

Part 1: Payment and Length of Plan

a. The debtor shall pay **\$1,156.00** to the Chapter 13 Trustee, starting on **February 1, 2018** for approximately **60** months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).

b. Adequate protection payments will be made in the amount of \$____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Virginia E. Fortunato, LLC	Administrative	Est. \$2,000.00***Please note an itemized invoice will be filed with a fee application prior to confirmation as it is the office's standard practice.***
Marie-Ann Greenberg	Administrative	Est. \$6,095.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

- ☒ None
☐ The allowed priority claims listed below are based on a domestic support obligation that has been

assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor

Dumont Tax Collector

Quicken Loans

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☐ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$___ to be distributed *pro rata*
- ☒ Not less than 100% percent
- ☐ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases

☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J.

LBR 3015-1. A Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Priority Claims
- 4) Secured Claims
- 5) Lease Arrearages
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ **NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☐ NONE

☒ Explain here: **January and February 2018 mortgage payments were made timely to Quicken Loans and must be applied to the month they were made as the loan was and has remained current.**

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date	<u>February 19, 2018</u>	<u>/s/ Virginia E. Fortunato</u> Virginia E. Fortunato Attorney for the Debtor
Date:	<u>February 19, 2018</u>	<u>/s/ John Graham</u> John Graham Debtor
Date:	<u>February 19, 2018</u>	<u>/s/ Patricia Graham</u> Patricia Graham Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date	<u>February 19, 2018</u>	<u>/s/ Virginia E. Fortunato</u> Virginia E. Fortunato Attorney for the Debtor
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I certify under penalty of perjury that the above is true.

Date:	<u>February 19, 2018</u>	<u>/s/ John Graham</u> John Graham Debtor
Date:	<u>February 19, 2018</u>	<u>/s/ Patricia Graham</u> Patricia Graham

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 John Graham
 Patricia Graham
 Debtors

Case No. 18-11503-VFP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 43

Date Rcvd: Feb 21, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 23, 2018.

db/jdb
 517296575 +John Graham, Patricia Graham, 82 New York Avenue, Dumont, NJ 07628-2410
 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, P.O. Box 15019, Wilmington, DE 19886-5019)
 517296571 #+Bank of America, Nc4-105-03-14, P.O. Box 26012, Greensboro, NC 27420-6012
 517296580 +Bank of America (FDIC), Corporate Office, 100 North Tryon Street,
 Charlotte, NC 28202-4031
 517296581 +Barclays Bank Delaware, 100 S West Street, Wilmington, DE 19801-5015
 517296582 +Barclays Bank Delaware, P.O. Box 8803, Wilmington, DE 19899-8803
 517296583 +Barclays Bank Delaware (FDIC), Headquarters, 125 South West Street,
 Wilmington, DE 19801-5014
 517296584 Chase, P.O. Box 15123, Wilmington, DE 19850-5123
 517296585 +Chase Bank USA, NA (FDIC), 200 White Clay Center Drive, Newark, DE 19711-5466
 517296586 +Chase Card, P.O. Box 15298, Wilmington, DE 19850-5298
 517296587 Citi Cards, P.O. Box 9001037, Louisville, KY 40290-1037
 517296588 +Citibank, NA (FDIC), 701 East 60th Street, North, Sioux Falls, SD 57104-0493
 517296590 +Citibank/Sears, P.O. Box 6283, Sioux Falls, SD 57117-6283
 517296589 +Citibank/Sears, Citicorp Credit Services, Centralized Bankruptcy, P.O. Box 790040,
 Saint Louis, MO 63179-0040
 517296592 +Citibank/The Home Depot, P.O. Box 6497, Sioux Falls, SD 57117-6497
 517296591 +Citibank/The Home Depot, Citicorp Credit Services, Centralized Bankruptcy,
 P.O. Box 790040, Saint Louis, MO 63179-0040
 517296593 +Citicards, P.O. Box 6241, Sioux Falls, SD 57117-6241
 517296598 +Citicards CBNA, P.O. Box 6241, Sioux Falls, SD 57117-6241
 517296594 +Citicards CBNA, Citicorp Credit Services, Centralized Bankruptcy, P.O. Box 790040,
 Saint Louis, MO 63179-0040
 517296602 +Discover Bank (FDIC), 502 E. Market Street, Greenwood, DE 19950-9700
 517296607 +Dumont Tax Collector, 50 Washington Avenue, Dumont, NJ 07628-3647
 517296608 Equifax, 1550 Peachtree Street NW, Atlanta, GA 30309
 517296609 +Experian, 475 Anton Boulevard, Costa Mesa, CA 92626-7037
 517296610 +Fiona Graham, 82 New York Avenue, Dumont, NJ 07628-2410
 517296612 Home Depot Corporate Offices, 2455 Paces Ferry Road NW, Atlanta, GA 30339
 517296613 +JPMorgan Chase Bank, N.A. (FDIC), 1111 Polaris Parkway, Columbus, OH 43240-2031
 517296615 PNC Bank, P.O. Box 856177, Louisville, KY 40285-6177
 517296614 +PNC Bank, Att: Bankruptcy Department, P.O. Box 94982, Mailstop Br-Yb58-01-5,
 Cleveland, OH 44101-4982
 517296616 +PNC Bank, 1 Financial Parkway, Kalamazoo, MI 49009-8002
 517296617 +PNC Bank, NA (FDIC), 222 Delaware Avenue, Wilmington, DE 19801-1621
 517296619 +Quicken Loans, P.O. Box 6577, Carol Stream, IL 60197-6577
 517296620 +Sears Corporate Headquarters, 3333 Beverly Road, Hoffman Estates, IL 60179-0001
 517296621 Sears Credit Cards/Citibank, P.O. Box 78051, Phoenix, AZ 85062-8051
 517296622 +Trans Union, P.O. Box 2000, Chester, PA 19016-2000
 517296623 +Trans Union Corporate Office, 555 W. Adams Street, Chicago, IL 60661-3631

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Feb 21 2018 23:34:30 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Feb 21 2018 23:34:28 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517296605 E-mail/Text: mrdiscen@discover.com Feb 21 2018 23:33:44 Discover Financial,
 P.O. Box 15316, Wilmington, DE 19850
 517296601 +E-mail/Text: mrdiscen@discover.com Feb 21 2018 23:33:44 Discover, P.O. Box 71084,
 Charlotte, NC 28272-1084
 517313691 E-mail/Text: mrdiscen@discover.com Feb 21 2018 23:33:44 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 517296603 +E-mail/Text: mrdiscen@discover.com Feb 21 2018 23:33:44 Discover Financial, P.O. Box 3025,
 New Albany, OH 43054-3025
 517296618 +E-mail/Text: bankruptcyteam@quickenloans.com Feb 21 2018 23:34:50 Quicken Loans,
 1050 Woodward Avenue, Detroit, MI 48226-1906
 517341637 +E-mail/Text: bankruptcyteam@quickenloans.com Feb 21 2018 23:34:50 Quicken Loans Inc.,
 635 Woodward Avenue, Detroit, MI 48226-3408

TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517296576* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, P.O. Box 982238, El Paso, TX 79998)
 517296577* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, P.O. Box 982238, El Paso, TX 79998)
 517296578* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, P.O. Box 982238, El Paso, TX 79998)
 517296579* ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, P.O. Box 982238, El Paso, TX 79998)
 517296572* +Bank of America, Nc4-105-03-14, P.O. Box 26012, Greensboro, NC 27420-6012

District/off: 0312-2

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 43

Date Rcvd: Feb 21, 2018

***** BYPASSED RECIPIENTS (continued) *****

517296573* +Bank of America, Nc4-105-03-14, P.O. Box 26012, Greensboro, NC 27420-6012
517296574* +Bank of America, Nc4-105-03-14, P.O. Box 26012, Greensboro, NC 27420-6012
517296595* +Citicards CBNA, Citicorp Credit Services, Centralized Bankruptcy, P.O. Box 790040,
Saint Louis, MO 63179-0040
517296596* +Citicards CBNA, Citicorp Credit Services, Centralized Bankruptcy, P.O. Box 790040,
Saint Louis, MO 63179-0040
517296597* +Citicards CBNA, Citicorp Credit Services, Centralized Bankruptcy, P.O. Box 790040,
Saint Louis, MO 63179-0040
517296599* +Citicards CBNA, P.O. Box 6241, Sioux Falls, SD 57117-6241
517296600* +Citicards CBNA, P.O. Box 6241, Sioux Falls, SD 57117-6241
517296606* +DISCOVER FINANCIAL SERVICES LLC, PO BOX 3025, NEW ALBANY OH 43054-3025
(address filed with court: Discover Financial, P.O. Box 15316, Wilmington, DE 19850)
517296604* +Discover Financial, P.O. Box 3025, New Albany, OH 43054-3025
517296611* +Fiona Graham, 82 New York Avenue, Dumont, NJ 07628-2410

TOTALS: 0, * 15, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court
immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 23, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 19, 2018 at the address(es) listed below:

Marie-Ann Greenberg magecf@magtrustee.com
Rebecca Ann Solarz on behalf of Creditor Quicken Loans Inc. rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
Virginia E. Fortunato on behalf of Debtor John Graham njbankruptcy911@gmail.com,
bankruptcynotices2011@gmail.com
Virginia E. Fortunato on behalf of Joint Debtor Patricia Graham njbankruptcy911@gmail.com,
bankruptcynotices2011@gmail.com

TOTAL: 5